

## Nigel Weller & Co.

## Solicitors

Date: 20<sup>th</sup> April 2010

Nigel John Weller LL.B

Our Ref: NJW.PH.WOOD

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FUAO: P SIVASHANKAR  
SERVICE MANAGER - COMMUNITY SAFETY

21 APR 2010

ALSO BY FAX: 0845 280 1845

Dear Sirs

#328304113

OUR CLIENT: Mr STUART WOOD  
PET ANIMALS ACT 1951 (AS AMENDED)  
BREEDING AND SALE OF DOGS (WELFARE) ACT 1999  
ANIMAL WELFARE ACT 2006  
SYLVESTERS PET SHOP, 257 LONG ELMES, HARROW WEALD HA3 6LE

We write further to our letter of the 16<sup>th</sup> instant.

We respond on behalf of our client to the issues raised in your letter to him dated the 8<sup>th</sup> April 2010 and visits on the 6<sup>th</sup> & 7<sup>th</sup> April 2010.

Whilst our client concedes that upon your service manager's visit on the 6<sup>th</sup> April 2010 there were several blue sticky notes attached to the outside wall of pen 3, close to the window on the side wall. These blue sticky notes related to 2 cocker spaniels, which were not in the pen and had never been offered for sale by our client.

At the time those dogs in any event, were not on the premises, they were on a photographic assignment. It is not clear from what you say as to what your officers saw, but are they suggesting that the cocker spaniels were in pen 3 and on the premises? If that is their evidence, then they are clearly mistaken. Our client quite clearly therefore is not in breach of the condition you allege.

Community  
Legal Service



Criminal  
Defence Service



## VISIT ON THE 7<sup>TH</sup> APRIL 2010

1. You state in your letter on this visit "it was witnesses at the time of the visit the details displayed at pen 5 was different to the log book". Pen 5 was empty at the time of your officer's visit and no details were displayed. Please supply us with details of the animal you say was in pen 5 in order that we can take further instructions.
2. Regarding pen 4, there were no details provided at this pen. Our client concedes that there was a Rottweiler puppy in pen 4 and that the plastic wallet at the front of the pen, which usually contains the card displaying the details, was missing. Our client obviously regularly inspects the pens in accordance with the terms of good practice and his license and can only assume that the card had been removed by a 3<sup>rd</sup> party unbeknown to our client or a member of his staff.

Of course your officer was there on the 6<sup>th</sup> April 2010 and carried out a full inspection and would have presumably noticed the absence of the card on the 6<sup>th</sup>, if that were the case. He could therefore only assume that the card was removed in between the visit of your officer on the 6<sup>th</sup> April 2010 and his arrival on his arrival on the 7<sup>th</sup> April 2010. Unfortunately when a premises is accessed by the public, occasionally they interfere and/or remove our client's documents. However, your officer would have noticed that the details of this particular animal were displayed on the white board in room 1, opposite pen 1 & 2 and of course the information was also contained in the puppy & kitten record book. So whilst conceding that at the time of inspection on the 7<sup>th</sup> April 2010, the card was not there, it was quite clearly there on the 6<sup>th</sup> April and in the intervening period and without the knowledge of our client, had been removed. However, there was no prejudice to any member of the public because the details of this animal were displayed in the same room on the white board.

3. "The puppy, DOB: 8<sup>th</sup> Jan 2010 was not vaccinated yet nor had been chipped". Our client's puppy & kitten record book shows that this animal arrived on the premises on the 29<sup>th</sup> March 2010, the dog upon arrival appeared to have a weepy eyes and so, as best practice dictates, our client isolated him and the eye responded to being bathed in salt water. No veterinary intervention was necessary. As a result of the dog's isolation, our client was unable to take the animal to his veterinary surgeon on Thursday 1<sup>st</sup> April when other animals requiring vaccination were taken. The Easter Bank Holiday then intervened and the Rottweiler was eventually vaccinated on our client's next visit to his veterinary surgeon on Saturday 10<sup>th</sup> April 2010. Your suggestion that this animal had not been chipped is mistaken. Our client confirmed that this animal was micro chipped at the time of your officer's visit on the 7<sup>th</sup> April 2010 and in fact the chip was shown to your officer at that visit.
4. "A puppy was sold on the 6<sup>th</sup> April 2010 with no chip." Whilst our client concedes that the purchaser completed his purchase of this animal on the 6<sup>th</sup> April 2010, our client had run out of microchips. This was explained to the purchaser who was willing to take the animal and our client gave the purchaser a voucher entitling him to bring the dog back for the purposes of being chipped. The purchaser arranged for the dog to be chipped the

following day, 7<sup>th</sup> April and the details of the chip appear on our client's records.

5. **Sale of dogs.** You have made a request for further information concerning a full list of the breeders, which our client has used in the past 12 months, this is enclosed herein. Telephone numbers and other information that you require can be ascertained by your good selves. We cannot find in the terms of our client's license any reference to that our client must have this information available, in particular have copies of their current licenses, whatever that means? Your suggestion that our client should now investigate any potential offences committed by them on your behalf, does not merit a response.
6. The allegation that at the time of the visit on the 7<sup>th</sup> April, our client refused to provide a transporters license is refuted. The original request made of our client was for an import license. If you take instructions from Mr Sivashankar, you will no doubt find that is what he requested. Our client duly queried that, because he was unsure of what your officer was asking as he was not aware of a requirement to have an import license and then produced to him his DEFRA license, therefore assisting him as quite clearly, he was unsure of what he was asking to see. It is correct that the license is issued to our client and that the vehicle is used to transport animals between the veterinary surgeon and his shop the vehicle used is a Vauxhall Estate equipped with the appropriate cages. Our client is the driver of the vehicle when animals are taken to the veterinary surgeon and the shop..
7. **Regarding section 9 of the Animal Welfare Act 2006.** It is not clear from your letter what needs you are suggesting the animals under the care of our client are not being met. Once you have identified the needs that are not being met and the evidence to support your suggestion that our client is not taking all reasonable steps to ensure that that need is not being met, then we will take instructions. But your concern is so widely phrased, we are not sure of the specific allegation you are making. You are fully aware that our client has been licensed now for 4yrs in Harrow his current veterinary surgeon in Harrow visits the premises on a weekly basis he is totally satisfied that our client is taking all reasonable steps to ensure that the needs of the animals under his care are met as required by current legislation. If however, your officers have any concerns concerning this, then our client of course will be willing to discuss any issues arising from any of these visits, together with his veterinary surgeon and of course together with the veterinary surgeon who no doubt has raised these concerns with you, as quite clearly such a suggestion wouldn't be made against our client unless it was based upon proper professional advice.

Our client is of course eager to comply with his license, to comply with all current legislation and if a meeting between all parties including our client's veterinary surgeon and ourselves can assist the Council, then of course we will be happy to attend.

Yours faithfully



  
Nigel Weller  
Nigel Weller & Co